

**RIO DELL CITY COUNCIL
REGULAR MEETING
APRIL 3, 2018
MINUTES**

The regular meeting of the Rio Dell City Council was called to order by Mayor Wilson at 6:30 p.m.

ROLL CALL: Present: Mayor Wilson, Mayor Pro Tem Johnson, Councilmembers
Garnes, Marks and Strahan

Others Present: City Manager Knopp, Finance Director Woodcox, Community Development Director Caldwell, Chief of Police Conner, Water/Roadways Superintendent Jensen, Wastewater Superintendent Trainee Purvis and City Clerk Dunham

PUBLIC PRESENTATIONS

Sharon Wolfe addressed the Council regarding the April 2, 2018 Humboldt County Sheriff's call log related to recent burglaries and thefts. She said that she heard that some thefts also occurred in Rio Dell and was hoping the Chief of Police could address the situation in open session and that the City puts out press releases to alert citizens on anything going on community wide.

Mayor Wilson indicated that the Chief of Police would have an opportunity to address the situation under city staff reports.

Nick Angeloff addressed the Council regarding a call he received from Carl Turbin and Chaka Khan and said that they currently have a list of 600 medical marijuana patients that are no longer able to utilize John Hopkins University for research and have become very interested in coming to the Humboldt Rio Dell Business Park to have access to medicine and research and eventually establishing a treatment facility. He said it looks more real than anything else does at this point and said they want to come back and make a presentation to the City Council. He indicated that he would be working on coordinating it over the next couple of months.

He also announced that Netflix is working on a documentary in Rio Dell and interviewed him as the local historian for the City. He noted that they are also interested in the nexus between Rio Dell, cannabis medical research, and these folks in Washington, D.C. He said if councilmembers could get interested in the documentary, he could see this opportunity moving forward.

Mayor Wilson commented that as a Council they would be pleased to hear the presentation.

Councilmember Garnes asked for an update on the Little League Schedule.

Nick Angeloff responded that the season typically starts in early April and noted that he is no longer on the Little League Board, but he would get the information and report back at the next meeting.

Mayor Wilson announced a change in the agenda order for this meeting and said discussion on the temporary bridge closure would come before the Council after approval of the consent calendar items.

CONSENT CALENDAR

Councilmember Strahan removed Item 2 from the consent calendar for separate discussion. Mayor Wilson also removed Items 3 and 5.

Motion was made by Johnson/Garnes to approve the remaining consent calendar items including approval of the minutes of the March 20, 2018 regular meeting; and authorization for the mayor to sign a Letter of Support for AB 2598 for enforcement of local ordinances and building codes related to administrative fines and penalties. Motion carried 5-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approve Resolution No. 1380-2018 Amending the Operating and Capital Budget for FY 2017-18 Transferring \$20,298.44 from the Water Operations Fund to the Metropolitan Wells Operations Fund

Councilmember Strahan asked staff to provide a brief summary of the budget transfer.

Water/Roadways Superintendent Jensen explained that the costs were not related to construction of the wells project but to the operations of the wells and as such, were not part of the project. He said the \$20,298.44 was already in the Water Operations budget; this simply moves the allocation over to the Metropolitan Wells Operations Fund to track those costs.

Motion was made by Strahan/Garnes to approve Resolution No. 1380-2018 amending the Operating and Capital Budget for FY 2017-18 transferring \$20,298.44 from the Water Operations Fund to the Metropolitan Wells Operations Fund. Motion carried 5-0.

Approve Pay Requests 11, 12 and 13 to Wahlund Construction in the Amount of \$75,605.09 for Work Related to the Metropolitan Wells Project

Mayor Wilson commented that this item would also be addressed under the engineer's presentation so withdrew his questions at this time.

Motion was made by Wilson/Johnson to approve pay requests 11, 12 and 13 to Wahlund Construction in the amount of \$75,605.09 for work related to the Metropolitan Wells Project. Motion carried 5-0.

Authorize Staff to Submit Program Applications for Redwood Coast Energy Authority (RCEA) Public Agency Pilot Solar Program

Mayor Wilson commented on what RCEA is hoping to achieve with the proposed pilot program. He explained that approximately 2 months ago, the RCEA Board chose to opt out of PG&E for electricity and join the Community Choice Energy (CCE) Program so all Rio Dell customers are part of that program unless they chose to opt out of the program. He said what the CCE program does is takes the generation element of customer's electricity bills and replaces it with cleaner, cheaper energy (estimated savings of \$2.00/month on an average bill). He said RCEA is taking that savings and investing it into the local community such as assisting the airport with solar power. One of the other goals is to help municipalities and community services districts with solar programs. He said that the City previously approached RCEA about the possibility of a solar grid at the water/wastewater treatment plant and at the time, neither RCEA nor the City had the staff to go after the grants. What they are doing now is authorizing \$170,000 on an annual basis to pay for some of the wages and benefits for staff to help six or so jurisdictions pursue solar grants. He noted that passage of this resolution would allow the City the ability to seek assistance from RCEA to pursue the possibility of a solar grid at the City's public works facility, which would result in substantial savings in electricity costs.

Motion was made by Wilson/Johnson to authorize staff to submit program applications for Redwood Coast Energy Authority (RCEA) Public Agency Solar Pilot Program. Motion carried 5-0.

Discussion on Eagle Prairie Bridge Temporary Closure

City Manager Knopp explained the general format of this item would be to open the item up to public comment and allow representatives from Caltrans to provide an update on the temporary bridge closure and respond to public comments.

He explained that the Eagle Prairie Bridge is owned and operated by the State of California, not the City and is actually one of the shortest known highways in the State of California. He said the idea is for the City Council to facilitate dialog between the community and Caltrans representatives on the issue.

Mayor Wilson stated that he has strong opinions about the bridge issue but there are things that he doesn't fully understand. He added that this is an emotionally charged issue and asked that the conversations remain civil. He said the City Council wants to hear honest opinions from the community and talk with Caltrans representatives and in the end, hopefully come up with the best solutions for a tough situation.

Mayor Wilson opened the public hearing to receive public comment on the temporary bridge closure.

Nick Angeloff addressed the issue and said the bridge closure was announced at the Chamber of Commerce meeting which took everyone by surprise. He commented that the

businesses closest to the bridge are being impacted the most and expressed the need to support the local businesses in every way possible.

Kim Floyd, Project Manager with Caltrans provided background on why the decisions were made to do what they did regarding the temporary bridge closure and apologized for not notifying the City sooner. She explained that the bridge requires maintenance including painting which will involve closure of the bridge through the summer. She noted that they are actively working with the contractor to try to speed up the project.

She went on to explain that the bridge was painted about 15 years ago and at that time the bridge was left open to one-lane traffic with a traffic control signal. There were however; some quality control issues and as a result of that, a poor quality end product. She indicated that there were also some safety issues with people routinely running the light and they actually had two workers struck and injured. Another thing is that they have to consider a bicycle as a vehicle and accommodate them moving across the bridge, which affects the timing of the signal. She pointed out that there is a detour less than 2 miles (3 minutes) away which was another factor in the decision making process. The other problem is the duration of the project and overall costs. She said the ultimate goal is to get in and get the project done timely, and get a better product than the last time it was painted. She indicated that she spoke with the City Manager and provided her direct line should any businesses want to contact her regarding the project. She added that the resident engineer changed some signage and that they are willing to hear any feedback and do what they can within their means to try to ease the situation.

Mayor Pro Tem Johnson said he spent 30 years working for Caltrans and was a resident engineer on major construction projects for 25 years. As a resident engineer, one of the first forms he filled out once he knew who the contractor was on a project, was a "Resident Engineer Report of Assignment."

Dan Bornman, resident engineer at Caltrans confirmed that the form was sent out around November 2017, after award of the contract.

Councilmember Strahan commented that contractors are required to put a notice in the newspaper regarding any scheduled road closures and noticed that they did have a sign board up a few days prior to the begin of construction and asked if Caltrans is held to those same standards.

Kim Floyd responded that normally they do a press release but in talking to the public relations officer, there was an oversight and apparently, that did not happen.

Mayor Wilson invited the public to ask questions of Caltrans representatives.

Harry Smith, Root 101 asked what other options were discussed such as perhaps opening the bridge during non-working hours. He pointed out that the 2-mile detour is for 300 feet of bridge and that there are seven restaurants and cafes in town affected by the closure in addition to the many other businesses. He noted that he alone has 16 employees; 10 of which live in the local areal and this closure creates problems for everyone. He commented on the new businesses that opened up over the last three months and said had they known about the bridge closure, they probably would have delayed their openings or not opened at all.

Kim Floyd reviewed the factors considered when making the decision on full closure of the bridge and commented that there is no easy way to open and close the bridge between working and non-working hours.

Dan Bornman reiterated that it is not an easy process to open the containment system. In terms of savings, both in cost and time, the original engineer's estimate for the project with a signal light system was \$4.4 million. The contractor's bid as it is, was \$2.4 million. They also changed the contract to a "cost plus time" bid where the contractor bids on the cost of the job in addition to the number of days to complete the job. The original engineer's estimate was 245 working days as opposed to the contractor's estimate of 135 working days. He said essentially what they did is shave off \$2 million as well as a complete season (110 working days or approximately 6 months) of construction depending on weather conditions. He noted that structural painting jobs are very dependent on environmental conditions so as it gets into better weather, they are assuming the contractor will work Saturdays to meet their contractual requirements.

Harry Smith commented that he was in contact with Assembly Member Jim Woods about this project and he mentioned that the project was coming out of the Sacramento Caltrans office.

Kim Floyd explained that the contract is out of the local District 1 office but District 4 did the advertising for the project, which may have led to some of the miscommunication.

Julie Woodall questioned the possibility of using Caltrans electronic signs to say something such as "Businesses Open in Rio Dell...Coffee Shops, Stores and Restaurants."

Kim Floyd indicated that she had discussed this option with staff and that she is certainly willing to explore the possibility further.

Dan Bornman explained that they are limited to what they can and can't do as far as signage due to potential misuse of public funds. Advertising for private businesses isn't something they can do but they may be able to look at putting up some sort of generalized message that denotes that the downtown is open. He said one of the suggestions was to place "Gas, Food, Lodging" service signs at exits but pointed out that those signs have fees associated with them and specific rules that have to be followed. He said another suggestion was to put them up for the duration of the contract and once the contract was over, the various businesses would then pick up the reoccurring fees.

APRIL 3, 2018 MINUTES

Page 6

Nick Angeloff commented that the detour sign was basically hidden behind the Davis St. exit sign.

Dan Bornman said the problem with putting up too much signage is that they tend to be too close together and it becomes difficult to read everything.

Harry Smith asked if the plan is to have the bridge wrapped during the duration of the job.

Dan Bornman said his understanding is that the contractor is attempting to paint one-half of the bridge then remove the containment system and do the other half.

Harry Smith then asked about the possibility of opening the bridge up to one-lane traffic once the first half of the painting is done and said he would rather have one lane open for the duration of the project even though it would extend the project by 6 months.

Discussion continued regarding accommodations for bicycles, timing of the project, community outreach, signage, and claims for loss of business.

Next, business owners from various businesses including Emerald Boutique, Marlene's Laundromat, Dias Artistries, The Green Bean, and The Automotive Workshop addressed the impacts to their business as a result of the bridge closure.

Dan Bornman reported on recent vandalism that occurred at the job site and said a worker was sitting in his truck eating lunch and someone shot out a window. Later that night a person came to Humboldt Gables Motel where the contractors were staying and said for \$100 he would make sure there would be no more broken windows. He said they might need to have a California Highway Patrol (CHP) car on site if that type of activity continues.

He further explained that as part of this project, they are looking at doing some ADA improvements to the sidewalk approaches, which would occur at the end of the project.

Adam Dias said that it seems that there is not much that can be done to alleviate the impacts to the businesses and if this project were done two years ago, probably no one would care. He said the fact is that there are new businesses that are significantly being impacted and everyone needs to understand how important the bridge is to the economy of the city. He said related to tourism, hundreds of thousands of dollars will be lost with the Shell station alone. He added that thousands of tourists drive through Rio Dell each year and this closure could shut down some of these businesses indefinitely. He said there may actually be a way make things better in the end by coming up with creative signage and perhaps finding ways to promote the bridge as the shortest section of highway in the State.

Brad Mettam from Caltrans noted that this project is not the last project they will be doing in Rio Dell, referring to the future bridge seismic retrofit project. He commented that discussions on that project would need to occur between all parties involved.

Mayor Pro Tem Johnson stated that the City and the businesses could not afford to have the bridge closed for another year.

Bryan Richter stated that what's going to happen is that the City will have a beautiful bridge coming in and out of town with no business to support it.

Tawny Morse, owner of The Green Bean expressed her disappointment in Caltrans not notifying local businesses prior to making the decision to close the bridge. She said there is nothing any of the business owners can say that is going to change the outcome but that it is incredibly depressing and sad. In lieu of reality, a poor decision was made based on no research about what that decision was going to do to Rio Dell and everyone in town is now going to pay the price. She said she doesn't feel signage is really going to help and that all of the downtown businesses have noticed the same decline in business. She asked the Caltrans representatives how much their jobs mean to them, assuming it's because of bills, families and obligations which is the same for the business owners downtown. She added that she put every penny into her new business and it's disheartening to hear that signage will make everything okay when she knows it won't really help. She said the only answer is to open the bridge back up and that she personally will be looking into circulating a petition to appeal the decision or to at least make sure that those whose livelihoods depends on it will have the opportunity to voice their opinions.

Mike Ward, owner of the Automotive Workshop, 23 Center St. stated that his business is on the "good end of town" and his business has still dropped by 50% and is considering possible layoffs.

There being no further public comment, the public comment period was closed.

Councilmember Strahan said that she hopes that Caltrans will assist the contractor with working weekends and nights to shorten the length of the job. She said with the extra savings realized by not leaving the bridge open to one-lane controlled traffic that should not be a problem.

Mayor Pro Tem Johnson commented that he would hope that the ADA work at the end of the project would enable the bridge to be open to one-lane traffic.

Councilmember Garnes suggested the City switch the order of the message on the electronic sign to say, "businesses open" first instead of "bridge closed".

Mayor Wilson directed his comments to Kim Floyd and said he hoped her stomach hurt and that she felt bad because she should. He pointed out that the State is a very big entity and has

the ability to do a lot of things. He said that it seems that District 4 made the decision for full closure of the bridge and there's nothing that can be done about that now but there is something called "resolve" and they need to do what they can to resolve this situation as best they can. He suggested they go back to the office and talk about what they have done to the City and to think about the people here that have put their lives and souls into new businesses in an already economically depressed city. He said he believes there is something within their power to help whether it is with signage or something else and said they can get signage fees waived if they really want to. He encourage them to do as much as they can so they can look at themselves in the mirror and know they made an honest effort to make a difference for Rio Dell. He reminded them that the city is hurting because of what Caltrans failed to do and said he was politely asking them to do something to make things better.

City Manager Knopp said staff would be continuing to work with Caltrans on signage and any other way to coordinate cooperatively with the agency as well as switching the City's message around to reflect that the businesses are open downtown. He encouraged the public to feel free to contact the city with any other suggestions.

Mayor Wilson suggested inviting Senator McGuire to come and visit the businesses to hear their concerns.

Harry Smith indicated that he did invite Assembly member Woods to attend the meeting this evening but he was in Sacramento and unavailable.

Mayor Wilson called for a 5-minute recess at this time, 7:35 p.m.

The meeting reconvened at 7:45 p.m.

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

City Manager Knopp referred to the staff update provided in the Council packet and reported on a correction under **Human Resources, Risk & Training** noting that Officer Brady's last day was pushed out from April 6, 2018 to an undetermined date at this time. In addition, the Public Works Leadman submitted his 2-week notice on April 2, 2018 so the recruitment for that position was underway. With that, he said that staff was available at this time to answer any questions from the Council.

Councilmember Strahan questioned the two (2) building permits issued to Glenn White/PMD, Inc. for temporary units at 300 Northwestern Ave. and said she wasn't aware the City was going to issue any temporary permits. She asked staff to provide an overview of what is going on related to the temporary units currently at the site.

Community Development Director Caldwell reviewed the action of the Planning Commission at their meeting of March 27, 2018 approving the temporary uses and provided an overview of the three (3) temporary facilities. He said they would be setting up temporary units for manufacturing, the DigiPath Lab testing facility and an office, which also serves as a construction office for building three (3). He noted that construction on building three (3) is expected to begin by the end of the month.

Councilmember Strahan asked about the time frame for temporary permits and stressed the importance of making sure the applicants are held to whatever that timeframe is.

Community Development Director Caldwell explained that the time frame for temporary permits is the same as a normal building permit which is 180 days or 6 months with the provision to allow a 180 day extension for a total of one-year. He noted that the applicant anticipates all use of the temporary facilities to cease by November.

Councilmember Strahan also had questions about the Track and Trace Program related to the Humboldt Brand, QR Code and related identifiers and said she would like to see representatives from SICPA make a presentation to the Council at an upcoming meeting to clear up any misunderstandings.

Mayor Wilson said he was initially concerned about possible abuse of the temporary permits but after attending the Planning Commission meeting, he has no concerns. He encouraged Councilmembers to attend future Planning Commission meetings and listen to the developers. He noted that the Commission voted unanimously to approve the temporary permit for Glenn White and felt they did a good job in asking questions of the applicant. He said that hopefully other developers would be as forthcoming as Mr. White was.

Councilmember Strahan commented that it is the first of probably many more to follow requesting the operation of temporary facilities and to put a designated time frame on the activities is not unreasonable.

Chief of Police Conner reported that between the hours of 1:00-2:00 a.m. on April 2, 2018, six (6) or seven (7) vehicles were rifled through on Hilda Ct. and items were stolen. He explained that the incidents were not considered burglaries but rather petty theft cases since the vehicles were all unlocked. He said there was another report that occurred on Ash St. and several in Scotia.

He also reported that he attended the Citizen Advisory meeting on Measure Z funding and said the City submitted an application for continued funding of the part-time office position in the police department and in addition, funding for case management software. He said the committee will be recommending approval of the part-time position to the Board of Supervisors but was not in support of recommending approval for the software.

Sharon Wolfe suggested a press release go out to warn citizens to lock their vehicles.

Chief Conner said he would work on getting notification out to the community.

SPECIAL PRESENTATIONS/STUDY SESSIONS

Presentation by City Engineer – Metropolitan Wells – Project Closeout/Acceptance of Work and Related Authorization to File Notice of Completion and Release of Retention

City Manager Knopp provided a staff report and said the contract work for the Metropolitan Wells Project has been completed and the system has passed the required performance testing by the State Division of Drinking Water. He said staff is in the process of putting together the final paperwork to be submitted to USDA for acceptance of the project. Following this will be the filing of the Notice of Completion and 35 days later, the release of the final retention to the contractor.

Rebecca Crow, GHD Engineering continued with a presentation on the Metropolitan Wells Project including the following topics:

- Purpose & Benefits
- Major Elements
- Construction Timeline
- Construction Costs
- Funding Summary
- Funding Status
- Generator
- Next Steps

She provided hi-lights of the project and noted that the initial purpose of the project was to provide an emergency drought backup water supply however; it would be also be used during storm events when the water from the Eel River is difficult to treat and as a supplemental water source for other conditions. She also pointed out that only 2.4% of the project costs were related to change orders, which is remarkable. She said even with the City's additional contribution for the generator the City's total contribution is only around 5.8% of total projects costs, which is also remarkable.

The Council commended GHD for the success of the project and their \$4,135 contribution.

Rebecca Crow gave credit to City staff for much of the success of the project noting that both Randy Jensen and the City Manager played a big part in helping to come up with a more robust project and enhanced operation.

Motion was made by Strahan/Johnson to accept the completed work for the Metropolitan Wells Project, authorize the filing of a Notice of Completion and Release of Retention. Motion carried 5-0.

Presentation by Recology Eel River/Annual Report Pursuant to Solid Waste, Organic Materials and Recycling Franchise Agreement

City Manager Knopp provided a staff report and explained that the City's Solid Waste, Organic Materials and Recycling Franchise Agreement with Recology Eel River (RER) have an annual reporting requirement. He then introduced Linda Wise, General Manager of Recology Eel River (RER), who was present to provide the report and answer any questions.

Linda Wise began by providing brief background on the company. She said they purchased Eel River Disposal in September 2017 and the City of Rio Dell officially transferred the contract for solid waste and curbside collection services to them at that time.

She explained that annual rate increases are based on the CPI outlined in the current franchise agreement and they will have the annual submission ready for the City's review after the Humboldt Waste Management Authority (HWMA) finalizes their 2018/2019 budget, possibly by the end of April.

Council had questions related to the number of white trash bags sold each month, the percentage of non-recyclable materials put into the recycling bins at City Hall, changes in the recycling market, scheduled events (Annual Spring Clean-Up Day), the breakdown of rates, and community outreach and education efforts related to recycling.

Linda Wise noted that she would work with the City on scheduling the Annual Spring Clean-Up Event and work out a day to come down and do some street sweeping for the City. She also invited the Council to visit their Samoa facility stating that it is considered a destination location.

City Manager Knopp noted that the City would be utilizing Recology Eel River to do a sample sweeping of the City's streets once the crews have the opportunity to get out the "No Parking" notices.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Discussion and Possible Action Regarding Agenda Publication Deadline

City Manager Knopp provided a staff report and explained that State law requires agendas for regularly scheduled meetings to be published no more than 72 hours prior to the meeting. He said this would typically be between 5:00 p.m. and 6:30 p.m. on a Saturday. Typically, full Council agenda packets are available by 4:00 on Fridays. He noted that the Council has the ability to require earlier publication of the agenda packet but there are potential problems associated with changing the schedule. He identified potential problems such as limited staff, potential for additional addendums, and the disruption of scheduled meetings and activities normally planned for Thursdays. He also noted that Fridays tend to be somewhat quieter making it easier to troubleshoot any mechanical problems with the copier or to add last minute agenda items.

Mayor Wilson commented that the idea of getting the packets out earlier was to allow more time for Councilmembers to review the material.

Mayor Pro Tem Johnson commented that State law defines the 72 hour posting requirement and pointed out that the Council typically has 98 hours or so to review the agenda materials. As such, staff is already going over and beyond what they are legally required to do. He said he picked his packet up Friday evening, spent from 8 p.m. to 10 p.m. reading it and finished reading it by 10:30 Saturday morning. On Monday morning he stopped by City Hall, talked to the City Manager about a couple of items, put his binder on the Council dais and was prepared for the Tuesday night meeting. He expressed support for the current schedule and said staff puts together a great packet and doesn't see any reason to inconvenience them with an earlier deadline.

Councilmember Strahan said it was inconvenient for her to pick up her agenda packet on Friday as she works full-time and has family commitments. She said Thursday evening would work much better for her.

Councilmembers Garnes and Marks had no problem with the current Friday schedule.

Mayor Wilson agreed that staff does produce an excellent packet with the current schedule.

The consensus of the Council was to leave the agenda publication deadline consistent with the 72-hour State law requirement.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Approve Resolution No. 1381-2018 Approving an Inter-Fund Transfer for the Purchase of a Generator under the Metropolitan Wells Project

City Manager Knopp provided a staff report and said as City Engineer Crow explained, there is approximately \$38,347 in remaining project funds dedicated to the Metropolitan Wells Project. Staff has petitioned the State Department of Water Resources to approve amendment of the scope of the project to include the purchase of a generator. He noted that the approval is still pending and no purchase will occur until that approval is secured. He said staff obtained a quote for a 100kw CAT XQ125 portable generator at \$80,271 so the additional \$41,924 would come out of the Water Capital Fund.

Councilmember Marks asked how portable the generator is.

Water/Roadways Superintendent Jensen indicated the proposed generator has four wheels and can be towed with any of the public works vehicles.

Motion was made by Johnson/Garnes to approve Resolution No. 1381-2018 Authorizing an Interfund Transfer and Purchase of a Generator under the Metropolitan Wells Project. Motion carried 5-0.

Second Reading (by title only) and Adoption of Ordinance No. 365-2018 Amending the City's Commercial Cannabis Regulations, Section 17.30.195 of the Rio Dell Municipal Code to Eliminate the City's Requirement for Background Checks

Community Development Director Caldwell provided a brief staff report and said the ordinance was introduced to the Council at their March 20, 2018 regular meeting. After discussion, the Council voted 4-1 with Mayor Wilson dissenting to approve the first reading of the proposed amendments. He said the ordinance is back before the Council for its second reading and recommended adoption.

Mayor Wilson stated that since the last meeting, he had the opportunity to talk to the City Attorney and that he provided an explanation of the law related to the proposed amendments. He proceeded by reading for the record, a written statement regarding his personal opinion on the proposed ordinance amendments. (Attachment 1 to these minutes). He clarified that he believes the City should rely on the State as the primary source to perform background checks in making determinations on disqualifying offenses but that the City retain the right to have the ultimate jurisdiction over disqualifications.

He added that the State is operating under temporary rules, at least until July 1, 2018 and the City would be remiss in giving up control prior to knowing what the final regulations for the State will be. He also stated that he doesn't truly trust the State of California, especially where it involves the cannabis industry. He pointed out that under state law, marijuana convictions cannot be used as a disqualifying offense and the language states that they "may" consider certain offenses as disqualifying offenses rather than "shall" which means that they don't have to exclude any offense if they don't want to. He said things could change at the State level in July and he wants to ensure that the City maintains ultimate jurisdiction for determining disqualifying offenses and control over who can operate in the City.

Councilmember Strahan agreed and said that the licensees operating in the City should be well vetted.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Johnson/Garnes to table adoption of the ordinance pending a legal opinion from the City Attorney. Motion carried 5-0.

Introduction/First Reading (by title only) of Ordinance No. 366-2018 Amending the City's Flood Damage Prevention Regulations, Section 15.15 of the Rio Dell Municipal Code to Reflect the Update of the Flood Insurance Study and Associated Flood Insurance Rate Maps (FIRM)

Community Development Director Caldwell provided a staff report and said staff recently discovered that the City's Flood Regulations still refer to the Federal Emergency Management Agency (FEMA) 1982 Flood Insurance Study and Rate Map (FIRM). The map was updated in 2016 so the City needs to amend its Flood Damage Prevention Regulations to reflect the updated information.

He reviewed the recommended revisions to the ordinance and said in addition to reflecting the current updates to the study and rate map, staff is also recommending changes to the regulations regarding the required elevations for structures located within a flood zone. He said the current regulations require that the lowest floor of a structure be at or above the base flood elevation. He said this regulation is consistent with FEMA's regulations however; the California Building Code (CBC) refers to the American Society of Civil Engineers (ASCE) regulations, which requires that the lowest floor be one (1) foot above the base flood elevation. As such, staff is recommending the City's Flood Damage Prevention Regulations is amended to be consistent with the California Building Code.

Mayor Pro Tem Johnson said he understands the regulation only applies to habitable structures and not agricultural structures.

Community Development Director Caldwell said that he was correct and clarified that the structures located within the Humboldt Rio Dell Business Park are considered habitable so are subject to the one (1) foot above the base flood elevation rule.

Councilmember Strahan asked if any flood zones changes with the 2016 update.

Community Development Director Caldwell said that the flood zones did not change and pointed out that that during the 1955 and 1964 floods, the log decks created check dams and with closure of the sawmills he doesn't believe there will be floods to that degree.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Johnson/Garnes to approve first reading (by title only) of Ordinance No. 366-2018 amending the City's Flood Damage Prevention Regulations, Section 15.15 of the Rio Dell Municipal Code (RDMC) and to continue consideration and adoption of the ordinance to the April 17, 2018 regular meeting. Motion carried 5-0.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Johnson asked when the next City Newsletter was scheduled to go out.

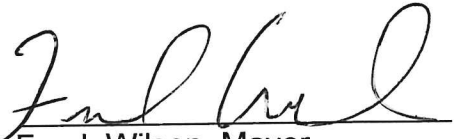
City Manager Knopp commented that a City Newsletter was definitely due to go out and that staff would attempt to get one out over the next week or so.

Mayor Wilson reported on his attendance at the March 28, 2018 Redwood Coast Energy Authority (RCEA) special meeting and said the purpose of the meeting was to approve an agreement with the group *Principal Power, Inc.* to do environmental studies for the Offshore

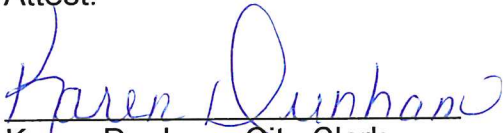
Wind Energy Project. He said the project involves building wind turbines 20 miles offshore and there are some studies suggesting putting in the railroad to bring in these turbines. He said there is a lot of conversation and interest going on with regard to offshore wind power and the reality is that the power coming into Humboldt County comes in by way of Highway 36 or is generated in house. This project would provide another alternative for bringing power into the County.

ADJOURNMENT

Motion was made by Johnson/Garnes to adjourn the meeting at 9:03 p.m. to the April 17, 2018 regular meeting. Motion carried 5-0.


Frank Wilson, Mayor

Attest:


Karen Dunham, City Clerk